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5 Attorneys for Plaintiffs Jesus Christ Prison Ministry, et al.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

11 ) Case No.: 2:05-CV-00440-DAD  
12 JESUS CHRIST PRISON MINISTRY,  
13 DANIEL LEFFEL, MARVIN SALINAS,  
14 and DANIEL MARCHY,  
15 Plaintiffs,  
16 v.  
17  
18 CALIFORNIA DEPARTMENT OF  
19 CORRECTIONS; JEANE S. WOODFORD  
20 in her official capacity as Director of the  
21 California Department of Corrections;  
22 DERRAL G. ADAMS, in his official capacity  
23 as Warden of California State Substance  
Abuse Treatment Facility and State Prison  
in Corcoran; and DOES 1 through 50,  
inclusive,  
Defendants.

DATE: 04/07/06  
TIME: 10:00 a.m.  
COURTROOM: 27 (DAD)  
TRIAL DATE: none set

## **Stipulation and Order re Continuance**

1 Attorneys for the parties, have jointly prepared, and respectfully submit, the  
2 STIPULATION AND ORDER TO CONTINUE TIME TO RESPOND TO  
3 DEFENDANTS' CROSS-MOTION AND HEARING ON THE MOTIONS FOR  
4 SUMMARY JUDGMENT.

5 Attorneys submitting stipulation:

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7 Deputy Attorney General  
8 1300 I St., Suite 125  
9 Sacramento, CA 94244  
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11 Fax (916) 324-5205  
12 Attorney for Defendant, California Department of Corrections, et al.

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20 Attorney for Plaintiffs, Jesus Christ Prison Ministry, et al.

21 **STIPULATION**

22 On December 20, 2005, the Court set a briefing schedule as follows:

- 23 1. Plaintiffs to file motion for summary judgment on or before February 24, 2006;  
24 2. Defendants to file opposition on or before March 17, 2006;  
25 3. Plaintiffs to file reply on or before March 31, 2006; and,  
26 4. Hearing on plaintiffs' motion set for April 7, 2006.

27 Plaintiffs filed a motion for summary judgment on February 24, 2006, and Defendants  
28 filed a cross-motion for summary judgment and an unenumerated 12(b) motion on March 17,  
2006.

1 Pursuant to Rule 78-230 of the local rules a party opposing a motion must file an  
2 opposition fourteen days before the hearing. Plaintiffs wish to file an opposition to Defendants'  
3 cross-motion for summary judgment as well as the unenumerated 12(b) motion. As per Rule 78-  
4 230(c), said opposition to Defendants' motions would be due April 6, 2006, which is the day  
5 before the hearing. Moreover, in filing an opposition to the motions, it is necessary for the  
6 Plaintiffs to file declarations in response to Defendants' declarations and exhibits. The  
7 declarations that Plaintiffs seek to file would include statements from two of the plaintiff-inmates.  
8 Although drafts of these declarations have been mailed to these inmates, it is highly unlikely that  
9 they will be returned to this office prior to the current March 31, 2006, filing deadline.

10  
11 Subject to approval of the accompanying Order by the Court, the parties hereby stipulate,  
12 through their respective counsel of record, to a two week continuance of the hearing.  
13

14 1) New hearing date for Plaintiffs' motion for summary judgment  
15 and Defendants' cross-motion for summary judgment and  
16 unenumerated 12(b)(6) motion: April 21, 2006

17 2) New deadline for filing Plaintiffs' Opposition to  
18 cross-motions: April 7, 2006

19 It is so stipulated.  
20

21 Date: March 27, 2006

22 By: \_\_\_\_\_ /S/  
23 Kevin T. Snider  
Attorney for Plaintiffs

24 By: \_\_\_\_\_ /S/  
25 John W. Riches II  
Attorney for Defendants

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Stipulation and Order re Continuance

## ORDER

Good cause appearing, and based upon the stipulation of the parties, the requested continuance of the hearing date and respective dates for filing will be as follows:

- 1) New hearing date for Plaintiffs' motion for summary judgment

and Defendants' cross-motion for summary judgment and

**unenumerated 12(b) motion:**

April 21, 2006

- 2) New deadline for filing Plaintiffs' Opposition to

## Defendants' cross-motion for summary judgment

and 12(b) motion:

April 7, 2006

Dated: March 31, 2006

Dale A. Drozd  
DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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